

Vahag Matevosian, Esq. (State Bar No. 283710)  
Email: consumerlitigationteam@kaass.com

**KAASS LAW**  
313 East Broadway, Ste "944"  
Glendale, California 91209  
Tel. 310.943.1171

Attorney for Plaintiff

FILED  
12 OCT 12 PM 3:46  
CLERK U.S. DISTRICT COURT  
CENTRAL DISTRICT OF CALIF.  
LOS ANGELES

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

KIARASH MOHAMMADI, an individual;  
Plaintiff,

Case No. **CV12-08778-PS4(LCW)**

vs.

BANK OF AMERICA N.A., A National  
Association;  
CHASE BANK USA N.A., A National  
Association;  
CAPITAL ONE N.A., A National Association;  
MIDLAND FUDNING, LLC., A Delaware  
Limited Liability Company  
Defendants.

**COMPLAINT FOR:**

1. Willful Violations of Federal Fair Credit Reporting Act, 15 U.S.C. § 1681s-2(b);
2. Negligent Violations of Federal Fair Credit Reporting Act, 15 U.S.C. § 1681s-2(b);
3. Intentional Violations of California Consumer Credit Reporting Agencies Act, Cal. Civ. Code § 1785.25(a);
4. Negligent Violations of California Consumer Credit Reporting Agencies Act, Cal. Civ. Code § 1785.25(a);
5. Violations of Federal Fair Debt Collection Practices Act, 15 U.S.C. §§ 1692(e), 1692(f) and 1692(g);
6. Violation of California Rosenthal Fair Debt Collections Practices Act, Cal. Civ. Code § 1788.17.
7. Defamation by Libel

**JURY TRIAL DEMANDED**

///

///

///

1 Plaintiff, through counsel, alleges:

2 **NATURE OF ACTION**

3 This is a private action brought by an individual consumer under Federal Fair Credit  
4 Reporting Act ("FCRA"), 15 U.S.C. § 1681s-2(b); Federal Fair Debt Collection Practices Act  
5 ("FDCPA"), 15 U.S.C. §§ 1692(e), 1692(f) and 1692(g); and their equivalent State Acts:  
6 California Consumer Credit Reporting Agencies Act ("CCRAA"), Cal. Civ. Code § 1785.25(a);  
7 and Rosenthal Fair Debt Collection Practices Act ("RFDCPA"), Cal. Civ. Code § 1788.17.

8 **JURISDICTION AND VENUE**

9 1. This Court has jurisdiction under 15 U.S.C. § 1681p, Cal. Civ. Code § 1785.33, 15  
10 U.S.C. § 1692k(d), and 28 U.S.C. § 1331.

11 2. This Court has supplemental jurisdiction over the State claims under 28 U.S.C. §  
12 1367(a).

13 3. Venue is proper before this Court pursuant to 28 U.S.C. § 1391(b), where the acts  
14 or events giving rise to Plaintiff's action occurred in the State of California in the Central District  
15 of California, where Plaintiff resides in the said State and district, and where Defendants transacts  
16 business in said State and district.

17 **PARTIES**

18 4. Plaintiff, Kiarash Mohammadi ("Plaintiff"), is an individual who at all relevant  
19 times resided in the State of California, County of Los Angeles.

20 5. Plaintiff is a "consumer" as defined by 15 U.S.C. § 1692a(3).

21 6. Defendants BANK OF AMERICA N.A. ("BANA"); CHASE BANK USA N.A.  
22 ("CHASE") CAPITAL ONE N.A. ("CAPITAL") and MIDLAND FUNDING, LLC  
23 ("MIDLAND"); are each a "person" as defined by 15 U.S.C. § 1681a(b) and Cal. Civ. Code §  
24 1785.3(j).

25 7. Defendants are each a "furnisher of information" as referenced under 15 U.S.C. §  
26 1681s-2 who, as part of their regular course of business, furnish information concerning  
27 consumers to the Credit Reporting Agencies.  
28



1           15. Following the submission of his credit bureau disputes, Plaintiff mailed dispute  
2 letters to Defendants on or about June 18, 2012.

3           16. Plaintiff mailed dispute letters, identical in content, to Defendants BANA;  
4 CAPITAL and CHASE requesting to provide documentation substantiating the existence,  
5 ownership, and accuracy of their accounts as reported to the CRAs. Alternatively, Plaintiff  
6 requested deletion of the inaccurate accounts reported by these Defendants in the absence of the  
7 verification documents.

8           17. Plaintiff mailed separate set of dispute letter, identical to Defendant MIDLAND  
9 requesting validation of their purported debt and verification of accuracy of their collection  
10 account as reported to the CRAs. In the absence of the requested verification documents, Plaintiff  
11 requested deletion of the account reported by these Defendants.

12           18. In contrast to the remaining Defendant MIDLAND is also third party debt  
13 collector. As such, Defendant MIDLAND had further obligation to communicate with Plaintiff  
14 regarding the alleged debt prior to their credit reporting. Defendant MIDLAND, however, failed to  
15 comply with this obligation. Consequently, Defendant MIDLAND had reported debt to the CRAs  
16 without notice and validation.

17           19. Several days following Plaintiff's credit bureau dispute, updated credit reports  
18 showed that Defendants had allegedly verified the accounts to the CRAs. When Plaintiff requested  
19 proof of the alleged verification, Defendants failed to provide any such supporting documentation.

20           20. On or about July 19, 2012 Plaintiff sent letters to Defendants, through his  
21 authorized agent, to follow up on his previous requests for production of documents to support  
22 their alleged verifications. Defendants and each one of them failed to respond properly or at all to  
23 Plaintiff's follow-up requests and again failed to produce any proof of Defendants' alleged  
24 verification of the accounts.

25           21. On or about September 19, 2012, Plaintiff sent letters to Defendants, through his  
26 authorized agent, with a final request to produce verification documents or proceed with deletion  
27 of the disputed accounts. Defendants and each one of them once again failed to address Plaintiff's  
28 request.

1           22. Plaintiff submitted three (3) separate letters to each Defendant requesting proof of  
2 investigation and verification in support of Defendants alleged verification with the CRAs.  
3 Defendants, however, repeatedly and continuously disregarded these requests and failed to  
4 produce such proof. Thus, it is reasonable to presume that Defendants do not have confirmative  
5 support for their alleged investigation and verification with the CRAs.

6           23. As of this date, Defendants tenaciously continue to report the unverified accounts  
7 on Plaintiff's credit reports maintained by the CRAs.

8           24. As a result of Defendants' reporting of the unverified, hence, inaccurate accounts,  
9 Plaintiff's creditworthiness is negatively impacted. Defendants' conduct in turn caused the  
10 Plaintiff, as a consumer and borrower, to suffer financial and emotional distress, including but not  
11 limited to the following:

12           a. Actual damages caused by monetary losses relating to denials to obtain new credit,  
13 loss of existing funds, loss of credit and loan opportunities, excessive or elevated interest  
14 rates and finance charges;

15           b. Out of pocket expenses incurred as a result of communications with Defendants, in  
16 addition to fees paid to attorneys and credit professionals for the assistance attained in the  
17 process;

18           c. Emotional distress and mental anguish associated with derogatory credit  
19 information reported by Defendants about Plaintiff to parties with access to Plaintiff's  
20 credit reports;

21           d. Decreased credit rating and creditworthiness which resulted in denial to obtain new  
22 credit, employment or housing on future attempts.

23                           **FIRST COUNT - Against All Defendants**

24                           **(Willful Violations of FCRA, 15 U.S.C. § 1681s-2(b))**

25           25. Plaintiff repeats and repleads each and every allegation contained in all prior  
26 paragraphs and incorporates the same herein by reference.

27           26. Defendants knowingly, intentionally, and willfully disregarded their obligations  
28 imposed by FCRA, 15 U.S.C. § 1681s-2(b) upon furnishers of information with respect to the

1 “reinvestigation duties” in the event of consumer disputes initiated through CRAs.

2 27. Defendants violated 15 U.S.C. § 1681s-2(b)(1) because they failed to conduct  
3 proper investigation of disputed information.

4 28. Defendants violated 15 U.S.C. § 1681s-2 (b)(2) because they failed to take proper  
5 action of verification, correction, or deletion of the information Plaintiff disputed within the  
6 statutorily mandated investigation period of thirty (30) days.

7 29. Defendants’ violations actually and proximately caused Plaintiff’s injuries.

8 30. Plaintiff prays for declaratory relief pursuant to 28 U.S.C. § 2201 and § 2202, that  
9 Defendants’ are in violation of the FCRA.

10 31. Plaintiff further prays for actual and statutory damages pursuant to 15 U.S.C. §  
11 1681n (a)(1)(A); costs and attorney’s fees pursuant to 15 U.S.C. § 1681n (c); and punitive  
12 damages for Defendant’s willful noncompliance pursuant to 15 U.S.C. § 1681n (a)(2).

13 **SECOND COUNT - Against All Defendants**

14 **(Negligent Violations of FCRA, 15 U.S.C. § 1681s-2(b))**

15 32. Plaintiff repeats and repleads each and every allegation contained in all prior  
16 paragraphs and incorporates the same herein by reference.

17 33. Defendants’ negligently violated 15 U.S.C. § 1681s-2(b) because they breached  
18 their duty to report accurate credit information which actually and proximately caused Plaintiff’s  
19 injuries.

20 34. Defendants’ violations actually and proximately caused Plaintiff’s injuries.

21 35. Plaintiff prays for declaratory relief pursuant to 28 U.S.C. § 2201 and § 2202, that  
22 Defendants violated the FCRA.

23 36. Plaintiff is entitled to actual damages pursuant to 15 U.S.C. § 1681o(a)(1), and  
24 costs and attorney’s fees pursuant to 15 U.S.C. § 1681o(a)(2).

25 **THIRD COUNT - Against All Defendants**

26 **(Intentional Violation of CCRAA, Cal. Civ. Code § 1785.25(a))**

27 37. Plaintiff repeats and repleads each and every allegation contained in all prior  
28 paragraphs and incorporates the same herein by reference.



1           38. Defendants knowingly, willfully, and intentionally disregarded their obligation to  
2 accurately report credit information pursuant to Cal. Civ. Code § 1785.25(a)— to refrain from  
3 reporting information that Defendants knew to be inaccurate or the accuracy of which was not  
4 known nor verified at the time of furnishing.

5           39. Defendants' violations actually and proximately caused Plaintiff's injuries.

6           40. As a result of the Defendants' violations of the CCRAA, Plaintiff suffered personal  
7 humiliation, embarrassment, mental anguish, and emotional distress. Plaintiff is entitled to actual  
8 damages pursuant to Cal. Civ. Code § 1785.31(a)(2)(A); punitive damages for Defendant's willful  
9 noncompliance pursuant to Cal. Civ. Code § 1785.31(a)(2)(B); and injunctive relief ordering  
10 deletion of the subject unverified accounts from reporting with the CRAs pursuant to Cal.Civ.  
11 Code § 1785.31(b).

12                                   **FOURTH COUNT - Against All Defendants**

13                                   **(Negligent Violation of CCRAA, Cal. Civ. Code § 1785.25(a))**

14           41. Plaintiff repeats and repleads each and every allegation contained in all prior  
15 paragraphs and incorporates the same herein by reference.

16           42. Defendants negligently breached their duty to report accurate credit information by  
17 disregarding their obligations under Cal. Civ. Code § 1785.25(a)— to refrain from reporting  
18 information that Defendants should have known to be inaccurate or the accuracy of which was not  
19 known nor verified at time of furnishing.

20           43. Defendants' violations actually and proximately caused Plaintiff's injuries.

21           44. As a result of the Defendant's violations, Plaintiff suffered personal humiliation,  
22 embarrassment, mental anguish, and emotional distress. Plaintiff is entitled to actual damages,  
23 including court costs and attorney's fees; pain and suffering, pursuant to Cal. Civ. Code §  
24 1785.31(a)(1); and injunctive relief ordering deletion of the unverified accounts from reporting  
25 with the CRAs pursuant to Cal. Civ. Code § 1785.31(b).

26                                   **FIFTH COUNT - Against Defendant MIDLAND**

27                                   **(Violations of FDCPA, 15 U.S.C. §§ 1692(e), 1692(f) and 1692(g))**

28           45. Plaintiff repeats and repleads each and every allegation contained in all prior

1 paragraphs and incorporates the same herein by reference.

2 46. Defendant MIDLAND knowingly, willfully, and intentionally disregarded the  
3 notice and disclosure requirements imposed under 15 U.S.C. § 1692g(a)—requiring Defendant  
4 MIDLAND to notify Plaintiff of the purported debts and of Plaintiff's rights under the FDCPA.

5 47. Defendant MIDLAND knowingly, willfully, and intentionally failed to cease  
6 collection activities.

7 48. Defendant MIDLAND disregarded Plaintiff's request for debt validation but  
8 continued credit reporting on the alleged debt in the absence of proper validation of debt in  
9 violation of 15 U.S.C. § 1692g(b).

10 49. Defendant used false, deceptive, and misleading representation or means in their  
11 attempts to collect purported debt from Plaintiff. Defendant MIDLAND falsely represented the  
12 character, amount, or legal status of debt in violation of 15 U.S.C. § 1692e(2). The character,  
13 amount and legal status of their purported debt, as reported to the CRAs, was not communicated to  
14 Plaintiff prior to the reporting and it was not verified even after Plaintiff's dispute.

15 50. Defendant MIDLAND used unfair or unconscionable means in their attempts to  
16 collect alleged debt in violation of 15 U.S.C. § 1692f. Specifically, Defendant MIDLAND  
17 reported unverified debt in Plaintiff's name to coerce Plaintiff to make payments.

18 51. Defendant MIDLAND's violations actually and proximately caused Plaintiff's  
19 injuries.

20 52. As a result of Defendant MIDLAND's violations of the FDCPA, Plaintiff prays for  
21 declaratory relief that Defendant MIDLAND's conduct violated the FDCPA. Plaintiff is entitled to  
22 actual damages pursuant to 15 U.S.C. § 1692k(a)(1); statutory damages pursuant to 15 U.S.C. §  
23 1692k(a)(2); and costs and attorney's fees per 15 U.S.C. § 1692k(a)(3).

24 **SIXTH COUNT - Against Defendant MIDLAND**

25 **(Violation of RFDCPA, Cal. Civ. Code § 1788.17)**

26 53. Plaintiff repeats and repleads each and every allegation contained in all prior  
27 paragraphs and incorporates the same herein by reference.

28 54. Defendant MIDLAND used false representations and unfair or unconscionable



1 means in attempt to collect its alleged debt from Plaintiff because they furnished, without notice,  
 2 and continue to report unverified debt in Plaintiff's name. By such reporting, Defendant  
 3 MIDLAND falsely infers that the Plaintiff is indebted with them. Their conduct is intended to  
 4 coerce Plaintiff into payment of debt for which Defendant MIDLAND have no proof of validity or  
 5 right to collection in violation of Cal. Civil Code § 1788.17.

6 55. Defendant MIDLAND's violations actually and proximately caused Plaintiff's  
 7 injuries.

8 56. As a result of Defendant MIDLAND's violations of the RFDCPA, Plaintiff  
 9 suffered personal humiliation, embarrassment, mental anguish, and emotional distress. Plaintiff is  
 10 entitled to actual damages pursuant to Cal. Civ. Code § 1788.30(a); statutory damages pursuant to  
 11 Cal. Civ. Code § 1788.30(b); and costs and attorney's fees per Cal. Civ. Code § 1788.30(c).

#### 12 SEVENTH COUNT - Against All Defendants

#### 13 (DEFAMATION BY LIBEL)

14 57. Plaintiff repeats and repleads each and every allegation contained in all prior  
 15 paragraphs and incorporates the same herein by reference.

16 58. Defendants repeatedly published or have caused to be published written material  
 17 information they knew or should have known to be false. Specifically, Defendants are directly  
 18 responsible for the reporting of unverified and inaccurate credit information about Plaintiff to the  
 19 CRAs. Defendants inaccurately published information was accessible to parties with access to  
 20 Plaintiff's credit reports.

21 59. The information disseminated via publication was made of and concerning the  
 22 Plaintiff and was so understood by those who viewed the publication.

23 60. Defendants' violations actually and proximately caused Plaintiff's injuries.

24 61. The information is libelous in that it causes enormous harm to Plaintiff's  
 25 creditworthiness and defamed Plaintiff in the eyes of his current and potential creditors.

26 62. The publication of Defendants' unverified accounts on Plaintiff's credit reports and  
 27 repeated failure to correct such publication was done with malice to injure Plaintiff for the direct  
 28 benefit of Defendants. Accordingly, Plaintiff seeks an award of punitive damages.

**PRAYER FOR RELIEF FOR ALL COUNTS**

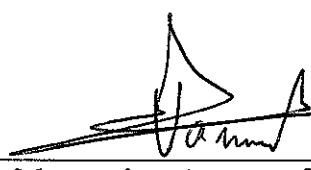
WHEREFORE, Plaintiff prays for relief against Defendants as follows:

1. Actual damages;
2. Statutory damages;
3. Civil penalties;
4. Legal fees and costs;
5. Prejudgment and postjudgment interest;
6. Punitive damages;
7. Declaratory relief;
8. Injunctive relief;
9. For additional remedies as the court deems proper.

**Plaintiff requests trial by jury.**

DATED: October 9, 2012

**KAASS LAW**

By:   
Vahag Matevosian, Attorney for Plaintiff

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA**  
**CIVIL COVER SHEET**

<b>I (a) PLAINTIFFS</b> (Check box if you are representing yourself <input type="checkbox"/> KIARASH MOHAMMADI	<b>DEFENDANTS</b> BANK OF AMERICA, CHASE BANK USA N.A., CAPITAL ONE N.A. MIDLAND FUNDING, LC
<b>(b) Attorneys</b> (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.)  Vahag Matevosian, Esq. (State Bar No. 283710) Email: consumerlitigationteam@kaass.com 313 East Broadway, #944	Attorneys (If Known)

<b>II. BASIS OF JURISDICTION</b> (Place an X in one box only.)  <input type="checkbox"/> 1 U.S. Government Plaintiff <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)  <input type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	<b>III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only</b> (Place an X in one box for plaintiff and one for defendant.) <table style="width:100%; border: none;"> <tr> <td style="width:30%;"></td> <td style="width:10%; text-align: center;"><b>PTF</b></td> <td style="width:10%; text-align: center;"><b>DEF</b></td> <td style="width:40%;"></td> <td style="width:10%; text-align: center;"><b>PTF</b></td> <td style="width:10%; text-align: center;"><b>DEF</b></td> </tr> <tr> <td>Citizen of This State</td> <td align="center"><input type="checkbox"/> 1</td> <td align="center"><input type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business in this State</td> <td align="center"><input type="checkbox"/> 4</td> <td align="center"><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td align="center"><input type="checkbox"/> 2</td> <td align="center"><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td align="center"><input type="checkbox"/> 5</td> <td align="center"><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td align="center"><input type="checkbox"/> 3</td> <td align="center"><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td align="center"><input type="checkbox"/> 6</td> <td align="center"><input type="checkbox"/> 6</td> </tr> </table>		<b>PTF</b>	<b>DEF</b>		<b>PTF</b>	<b>DEF</b>	Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	<input type="checkbox"/> 4	<input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
	<b>PTF</b>	<b>DEF</b>		<b>PTF</b>	<b>DEF</b>																				
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	<input type="checkbox"/> 4	<input type="checkbox"/> 4																				
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5																				
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6																				

  
**IV. ORIGIN** (Place an X in one box only.)  
☒ 1 Original Proceeding     ☐ 2 Removed from State Court     ☐ 3 Remanded from Appellate Court     ☐ 4 Reinstated or Reopened     ☐ 5 Transferred from another district (specify):     ☐ 6 Multi-District Litigation     ☐ 7 Appeal to District Judge from Magistrate Judge
   
  
**V. REQUESTED IN COMPLAINT: JURY DEMAND:** ☒ Yes     ☐ No (Check 'Yes' only if demanded in complaint.)  
**CLASS ACTION under F.R.C.P. 23:** ☐ Yes     ☒ No     **MONEY DEMANDED IN COMPLAINT: \$** NOT YET ASSERTED
   
  
**VI. CAUSE OF ACTION** (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)  
 VIOLATIONS OF FAIR CREDIT REPORTING ACT and VIOLATIONS OF FAIR DEBT COLLECTION PRATICES ACT
   
  
**VII. NATURE OF SUIT** (Place an X in one box only.)
 

<b>OTHER STATUTES</b> <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input checked="" type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Act <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Info. Act <input type="checkbox"/> 900 Appeal of Fcc Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes	<b>CONTRACT</b> <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise <b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>TORTS</b> <b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Fed. Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury-Med Malpractice <input type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus-Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<b>TORTS</b> <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability <b>BANKRUPTCY</b> <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>CIVIL RIGHTS</b> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 American with Disabilities - Employment <input type="checkbox"/> 446 American with Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	<b>PRISONER PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General Habeas Corpus <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus/Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <b>FORFEITURE / PENALTY</b> <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety /Health <input type="checkbox"/> 690 Other	<b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609
--	--	--	---	--	---

CV12-08778

FOR OFFICE USE ONLY: Case Number: \_\_\_\_\_

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA  
CIVIL COVER SHEET**

**VIII(a). IDENTICAL CASES:** Has this action been previously filed in this court and dismissed, remanded or closed? ☒ No ☐ Yes  
If yes, list case number(s): \_\_\_\_\_

**VIII(b). RELATED CASES:** Have any cases been previously filed in this court that are related to the present case? ☒ No ☐ Yes  
If yes, list case number(s): \_\_\_\_\_

**Civil cases are deemed related if a previously filed case and the present case:**

- (Check all boxes that apply) ☐ A. Arise from the same or closely related transactions, happenings, or events; or  
☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or  
☐ C. For other reasons would entail substantial duplication of labor if heard by different judges; or  
☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

**IX. VENUE:** (When completing the following information, use an additional sheet if necessary.)

- (a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named plaintiff resides.  
☐ Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
LOS ANGELES	VARIOUS

- (b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named defendant resides.  
☐ Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
LOS ANGELES	VARIOUS

- (c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** claim arose.  
**Note: In land condemnation cases, use the location of the tract of land involved.**

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
LOS ANGELES	VARIOUS

\* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties

**Note:** In land condemnation cases, use the location of the tract of land involved

X. SIGNATURE OF ATTORNEY (OR PRO PER): \_\_\_\_\_ Date 10/4/2012

**Notice to Counsel/Parties:** The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

**Key to Statistical codes relating to Social Security Cases:**

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))

## Name &amp; Address:

Vahag Matevosian, Esq. (State Bar No. 283710)

Email: consumerlitigationteam@kaass.com

313 East Broadway, Ste "944"

Glendale, California 91209

Tel. 310-943-1171

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

KIARASH MOHAMMADI, an individual

CASE NUMBER

PLAINTIFF(S)

CV12-08778

B6/CWJ

v.

BANK OF AMERICA N.A., A National Association  
et al

(See attached for additional Defendants)

DEFENDANT(S).

SUMMONS

TO: DEFENDANT(S):

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached ☒ complaint ☐ amended complaint ☐ counterclaim ☐ cross-claim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, Vahag Matevosian, whose address is 313 East Broadway, Ste "944", Glendale, California 91209. If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

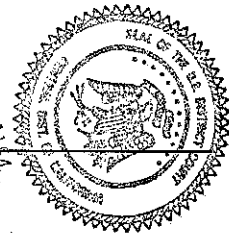
OCT 12 2012

Clerk, U.S. District Court

Dated: \_\_\_\_\_

By: JULIE PRADO  
Deputy Clerk

(Seal of the Court)



[Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States. Allowed 60 days by Rule 12(a)(3)].

Vahag Matevosian, Esq. (State Bar No. 283710)  
Email: consumerlitigationteam@kaass.com

**KAASS LAW**

313 East Broadway, Ste "944"  
Glendale, California 91209  
Tel. 310.943.1171

Attorney for Plaintiff

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

KIARASH MOHAMMADI, an individual;  
Plaintiff,

vs.

BANK OF AMERICA N.A., A National  
Association;  
CHASE BANK USA N.A., A National  
Association;  
CAPITAL ONE N.A., A National Association;  
MIDLAND FUDNING, LLC., A Delaware  
Limited Liability Company  
Defendants.

Case No.:

**COMPLAINT FOR:**

1. Willful Violations of Federal Fair Credit Reporting Act, 15 U.S.C. § 1681s-2(b);
2. Negligent Violations of Federal Fair Credit Reporting Act, 15 U.S.C. § 1681s-2(b);
3. Intentional Violations of California Consumer Credit Reporting Agencies Act, Cal. Civ. Code § 1785.25(a);
4. Negligent Violations of California Consumer Credit Reporting Agencies Act, Cal. Civ. Code § 1785.25(a);
5. Violations of Federal Fair Debt Collection Practices Act, 15 U.S.C. §§ 1692(e), 1692(f) and 1692(g);
6. Violation of California Rosenthal Fair Debt Collections Practices Act, Cal. Civ. Code § 1788.17.
7. Defamation by Libel

**JURY TRIAL DEMANDED**

///

///

///



**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

**NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY**

This case has been assigned to District Judge Philip S. Gutierrez and the assigned discovery Magistrate Judge is Carla Woehrle.

The case number on all documents filed with the Court should read as follows:

**CV12- 8778 PSG (CWx)**

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

=====

**NOTICE TO COUNSEL**

*A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).*

Subsequent documents must be filed at the following location:

☒ **Western Division**  
312 N. Spring St., Rm. G-8  
Los Angeles, CA 90012

☐ **Southern Division**  
411 West Fourth St., Rm. 1-053  
Santa Ana, CA 92701-4516

☐ **Eastern Division**  
3470 Twelfth St., Rm. 134  
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.